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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,465	11/09/2001	Raymond Diaz	100.342US01	5014
34206	7590	09/09/2005	EXAMINER	
FOGG AND ASSOCIATES, LLC P.O. BOX 581339 MINNEAPOLIS, MN 55458-1339			WANG, TED M	
ART UNIT		PAPER NUMBER		
		2634		
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/008,465	DIAZ, RAYMOND
	Examiner Ted M. Wang	Art Unit 2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 November 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-64 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 22-27 and 46-52 is/are allowed.

6) Claim(s) 1,2,11,12,28,29,37,38,53 and 59 is/are rejected.

7) Claim(s) 3-10,13-21,30-36,39-45,54-58 and 60-64 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04/01/2002 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/24/2003.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 28, 29, and 59 rejected under 35 U.S.C. 102(a) as being anticipated by O'Reilly et al. (US 5,55,1,025).

□ With regard claim 1, O'Reilly et al. discloses a method of collecting system statistics in a telecommunications device comprising:
generating a sequence of time intervals from a relative time reference (column 5 lines 28-30, where it is inherent that the specific time interval is generated from a relative time reference);
gathering system statistics on a telecommunications device over the duration of each time interval (column 5 lines 28-30); and
storing a summarized record of the telecommunications device system statistics for the time interval at the conclusion of each selected time interval (column 1 line 38 – column 2 line 22 and column 5 lines 16-27).

- With regard claim 2, O'Reilly et al. further discloses receiving a system statistics report request (Fig.1 element 46, 17, and 12, and column 3 lines 34-42); and sending the requested system statistics to the requestor (Fig.1 elements 12, 14, 16, 22, and 24 and column 3 line 34 – column 4 line 44).
- With regard claim 28, which is a telecommunication device claim related to claim 1, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 29, which is a telecommunication device claim related to claim 2, all limitation is contained in claim 2. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 59, which is a method claim related to claim 1, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al. (US 5,55,1,025) in view of Henderson (US 6,647,109).

- With regard claim 11, O'Reilly et al. further discloses a telecommunication link with a modem (column 4 lines 14-44).

O'Reilly et al. discloses all of the subject matter as described in the above paragraph except for specifically teaching the modem is a G.SHDSL device. However, Henderson teaches a G.SHDSL modem device in a telecommunication system (Fig.2 element 220 and column 5 lines 1-8).

It is desirable to have a G.SHDSL modem device in a telecommunication system in order to reduce cross talk with great capacity. The reason for this is that G.SHDSL standard provides a method for transporting a full-duplex bit-stream of up to 2.3 Mbps over short loops. The standard provides for operation that is rate-adaptive in nature, supporting payload rates ranging from 2.3 Mbps over 6 kft (26-AWG) loops to 192 kbps over loops as long as 18 kft (again, 26-AWG). A T1 rate (1.544 Mbps) can be supported over loops as long as 9 kft (26-AWG). This data distance profile (DDP) takes into consideration very high levels of cross-talk from adjacent loops in the same binder group. In conditions of low-noise, the capacity is much greater. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the apparatus/method as taught by G.SHDSL modem device in a telecommunication system in which having a G.SHDSL modem device in a telecommunication system, into O'Reilly et al. so as to reduce cross talk with great capacity.

- With regard claim 12, all limitation is contained in claim 2 and 37. The explanation of all the limitation is already addressed in the above paragraph.

- With regard claim 37, which is a device claim related to claim 11, all limitation is contained in claim 11. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 38, which is a device claim related to claim 12, all limitation is contained in claim 12. The explanation of all the limitation is already addressed in the above paragraph.

5. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al. (US 5,55,1,025) in view of Langberg et al. (US 5,852,630).

- With regard claim 53, O'Reilly et al. discloses all of the subject matter as described above except for the method written by a software program embodied in a computer-readable medium.

However, Langberg et al. teaches that the method and apparatus for a transceiver warm start activation procedure with precoding can be implemented in software stored in a computer-readable medium. The computer-readable medium is an electronic, magnetic, optical, or other physical device or means that can be contain or store a computer program for use by or in connection with a computer-related system or method (column 3, lines 51-65). One skilled in the art would have clearly recognized that the method of O'Reilly et al. would have been implemented in a software. The implemented software would perform same function of the hardware for less expense, adaptability, and flexibility. Therefore, it would have been obvious to have used the software in O'Reilly et al. as taught

by Langberg et al. in order to reduce cost and improve the adaptability and flexibility of the communication system.

Allowable Subject Matter

6. Claims 22-27 and 46-52 are allowed.
7. Claims 3-10, 13-21, 30-36, 39-45, 54-58, and 60-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is an examiner's statement of reasons for allowance.
 - The prior art fails to teach a method/apparatus of Claims 22 and 46 that specifically comprises the following:

-- The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,55,1,025, US 5,852,630, and US 6,647,109. The improvement comprises that -
gathering performance statistics on a G.SHDSL modem over the duration of each fifteen time minute interval;
storing a summarized record of the G.SHDSL compatible device performance statistics for each fifteen minute time interval at the conclusion of each selected time interval over a twenty four hour period;
and reporting the summarized record of one or more fifteen minute time intervals relative to a chronological time reference.

Conclusion

9. Reference(s) US 6,269,401 and US 6,580,254 are cited because they are put pertinent to the network monitoring system. However, none of references teach detailed connection as recited in claim.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang



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